



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 128] Jammu, Thu., the 24th Dec., 2015/3rd Pausa, 1937. [No. 39

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PART I-A

Jammu & Kashmir Government—Orders

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR.

Notification

No. 379 Dated 05-10-2015.

It is hereby notified that vide High Court Order dated 29-09-2015 Mr. Nikash Sharma S/o Mr. Rajinder Kumar Sharma R/o H. No. 10, Sector-8, Lower Roop Nagar, EWS Colony has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of his provisional/LL.B Degree Certificate and verification of his Character and antecedent from the concerned agency. His name has been entered under Serial No. JK-334/15 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 380 Dated 05-10-2015.

It is hereby notified that vide High Court Order dated 29-09-2015 Mr. Satish Kumar S/o Mr. Mohinder Kumar R/o Chohala, Tehsil R. S. Pura, Jammu has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of

his provisional/LL.B Degree Certificate and verification of his Character and antecedent from the concerned agency. His name has been entered under Serial No. JK-323/15 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

(Sd.) KANEEZ FATIMA,
Registrar General.

Corrigendum

Please read Nitin Bakhshi instead of Nitin Bakshi issued vide provisional Notification No. 364 dated 05-10-2015 in favour of Shri Nitin Bakhshi S/o Rajinder Bakhshi R/o Upper Barnai, H. No. 147, W. No. 65-JMC, Jammu.

By order.

Corrigendum

Please read parentage of Ms. Simmy Bhagat as Jai Raj instead of Jai Singh issued vide provisional Notification No. 456 dated 23-10-2015 in favour of Ms. Simmy Bhagat D/o Jay Raj R/o H. No. 14, Enclave-B, Lane-1, Roop Nagar, Jammu.

By order.

(Sd.) G. M. PARRAY,
Joint Registrar (Admn.).

GOVERNMENT OF JAMMU AND KASHMIR,
HOME DEPARTMENT.

Subject :—Transfers and postings.

Government Order No. 545-Home of 2015

Dated 02-12-2015.

In the interest of administration, the following transfers and postings of Police Officers are hereby ordered with immediate effect :—

1. Shri Dushant Sharma, Deputy Commandant, IR 10th Bn. is transferred and posted as SP, Traffic Rural, Jammu vice Shri Ravi Kant.
2. Shri Ravi Kant, SP, Traffic Rural, Jammu is transferred and posted as Deputy Commandant, IR 10th Bn. vice Shri Dushant Sharma.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,

Principal Secretary to Government,
Home Department.



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PART I—B

Jammu and Kashmir Government —Notifications.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION,
DEPARTMENT.

Subject :—Nomination of members of the J&K State Advisory Board for
the Development of Pahari Speaking People.

Government Order No.1367-GAD of 2015

Dated 14–10–2015.

The following persons are hereby nominated as the members of
the J&K State Advisory Board for the Development of Pahari Speaking
People :—

S. No.	Name and Address
1	2
1.	Syed Rafiq Shah Ex-MLC, Kupwara.

1	2
2.	Sh. Abdul Rehmand Kashmiri S/o Abdul Aziz Kashmiri R/o Nanda, Tehsil Thathri, District Doda.
3.	Sh. Mohammad Maqsood Khan R/o Thannamandi, Rajouri.
4.	Sh. Shamim Ahmad Dar S/o Abdul Hamad Dar R/o Poonch.
5.	Sh. Mohammad Maroof Khan S/o Sher Mohammad Khan R/o Kalaran, Mendhar.
6.	Sh. Hamid Manhas R/o Surankote.
7.	Sh. Munshi Alam Din R/o Kotranka, Rajouri.
8.	Sh. Shahzad Khan R/o Rajouri.
9.	Sh. Imtiyaz Ahmad Khan S/o Mohammad Ibrahim Khan R/o Brah, Shangas.
10.	Sh. Reyaz Ahmad Khan S/o Ghulam Rasool Khan R/o Braman, Rafiabab.
11.	Sh. Mohammad Hussain Ingwari S/o Alif Din Ingwail R/o Kamalkut, Uri.
12.	Sayeed Nisar Hussain Shah R/o Poonch.
13.	Sh. Mohammad Sadiq Koshik R/o Rekhwan Nowgan, Langate.
14.	Sh. Hassan-ud-Din S/o Abdul Aziz Parray R/o Pranu, Doda.
15.	Sh. Mohammad Nazir Moughal S/o Noora-Din R/o Sheindra, Surankote.
16.	Sh. Mohammad Iqbal Katoch S/o Abdul Rashid Katoch R/o Pogal, Ramban.
17.	Molvi Fayaz Daing S/o Abdul Rashid Daing R/o Neel, Ramban.

1	2
18.	Sh. Gh. Hassan Khan R/o Devsar, Lolab.
19.	Sh. Yasir Sarfaraz S/o Sarfaraz Khan R/o Lasbena, Surankote.
20.	Sh. Irshad Hussain S/o Molvi Abdul Hameed R/o Dxoar, Karnah.
21.	Sh. Mohammad Yaqoob Wani S/o Usman Joo Wani R/o Mandian, Karnah.
22.	Sh. Mohammad Aazim Sagar S/o Shah Mohammad R/o Manjadi, Mendhar.
23.	Sh. Asad Bari Shah R/o Kalakote.
24.	Sh. Manzoor Hussain Shah R/o Katedhara, Rajouri.
25.	Syed Yasin Shah R/o Kokernag, Anantnag.
26.	Sh. Abdul Rashid Malik R/o Sunjwan, Bathandi.
27.	Sh. Iqbal Hussain Shah R/o Surankote, Poonch.
28.	Sh. Manzoor Ahmad Khan S/o Bashir Ahmad Khan R/o Shadaab Karewa, Shopian.
29.	Sh. Tazeam Ahmad Dar S/o Ab. Qayoom Dar R/o Ward No. 1, Kheare, Rajouri.
30.	Sh. Zahoor Ahmad Bhati S/o Mohd. Iqbal Bhati R/o Rajdhani, Thanna mandi, Rajouri.
31.	Sh. Mohd. Akbar Khan S/o Mohd. Ayoub Khan R/o Wantrag, Kehribal, Anantnag.
32.	Sh. Mohd. Afzal Khan S/o Mohd. Akbar Khan R/o Slamabad, Uri.

1	2
33.	Sh. Mohd. Alyas Khan S/o Mohd. Muzaffar Khan R/o Niloosa, Banyar.
34.	Sh. Ajaz Ahmed Mirza S/o Mirza Mohd. Anwar R/o Ujhan, Tehsil Darhal, District Rajouri.
35.	Sh. Bharat Bhushan Vaid R/o Rajouri.
36.	Sh. Rajinder Gupta R/o Rajouri.
37.	Sh. Danesh Sharma R/o Rajouri.
38.	Sh. Vijay Kumar Gupta R/o W. No. 07, Rajouri.
39.	Adv. Ashan Mirza R/o AAG, Rajouri.
40.	Sh. Vijay Kochar R/o Rajouri.
41.	Sh. Vijay Gupta C/o Vijay Karyana Store, Rajouri.
42.	Sh. Nisar Rahi R/o Rajouri.
43.	Sh. Thakur Puran Singh R/o Budhal.
44.	Sh. Dev Raj Sharma R/o Kotranka.
45.	Dr. Suresh Kumar R/o Nowshera.
46.	Sh. Dharam Vir Gupta R/o Nowshera.
47.	Sh. Sardar Jarnail Singh R/o Sunderbani.

1	2
48.	Sh. Prithvi Raj Gupta R/o Sunderbani.
49.	Sh. Vindodh Sharma R/o Kalakote.
50.	Sh. Sunil Kapoor R/o Kalakote.
51.	Dr. Mohd. Latief R/o Rajdhani, Thannamandi.
52.	Haji Mohd. Taj R/o Surankote.
53.	Sh. Hari Krishan Khajuria R/o Surankote.
54.	Sh. Pradeep Sharma R/o Poonch.
55.	Sh. Satish Sasan R/o Poonch.
56.	Sh. Anil Maini R/o Poonch.
57.	Sh. Zulafqar Pathan R/o Mendhar.
58.	Sh. Devinder Tandon R/o Mendhar.
59.	Sh. Sardar Darshan Singh R/o H. No. 150, Vikram Chowk, Jammu.
60.	Sh. Majeed Zinda Dil R/o Kupwara.
61.	Sh. Mir Mushtaq R/o Uri.
62.	Sh. Sardar D. D. Singh R/o Baramulla.

1	2
63.	Sh. Mohd. Anwar Khan R/o Baramulla.
64.	Sh. Ranjeet Tara R/o Rajouri.
65.	Sh. Bashir Bhat R/o Rajouri.
66.	Sh. Dinesh R/o Muradpur, Rajouri.
67.	Sh. Zahid Ahmed R/o Shahdra Sharief.

This is in continuation of Government Order No. 1090-GAD of 2015 dated 12-08-2015.

By the order of the Government of Jammu and Kashmir.

(Sd.) IMTEEAZ KACHO,

Under Secretary to the Government.



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PART II—A

Orders by Heads of Departments.

CHARGE REPORTS

In pursuance to Government Order No. 218-FST of 2015 dated 21-08-2015, issued under endorsement No. FST/Ser/Transfer/15/2010-II dated 21-08-2015, we the undersigned do hereby handover and takeover the charge of Member-Secretary, J&K State Pollution Control Board today on 27-08-2015 (A. N).

(Sd.) JAVED IQBAL PUNJOO, IFS.

Relieved Officer.

(Sd.) VASU YADAV, IFS.

Relieving Officer.

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In compliance to Government Order No. 384-Home of 2015 dated 03-09-2015, the undersigned does hereby assume the charge of the Office of Director General of Police, Prisons on 04-09-2015.

(Sd.) S. K. MISHRA, IPS,

Director General of Police,
Prisons, J&K, Srinagar.



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PART II—B

Notifications, Notices and Orders by Heads of Departments.

Correction in Parentage

I, Neena Gupta D/o Sh. Amrik Chand Gupta R/o 75-76, Sarwal Colony, Jammu wants correction of my fathers name which has been wrongly written in PAN Card as Pawan Kumar Gupta instead of Amrik Chand Gupta. Now, I am applying for the same. Objection/s any may be conveyed to concerned authority within seven days from the date of publication of this notice.

Neena Gupta
D/o Sh. Amrik Chand Gupta,
R/o 75-76, Sarwal Colony, Jammu.

OFFICE OF THE COLLECTOR, LAND ACQUISITION
(ADDL. DEPUTY COMMISSIONER),
UDHAMPUR.

Subject :—Notification under sections 9&9A of the Land Acquisition
Act X of 1990 BK.

Whereas, the land particulars of which are given below is being acquired for public purpose viz. for widening of Pathankot-Jammu-Srinagar National Highway in Village Jakhain, Tehsil and District Udhampur as notified by the Govt. vide Notification No. 08-Rev (LAJ) of 2015 issued under endorsement No. Rev/LAJ/68/2007 dated 27-10-2015 and its possession is likely to be takenover.

Therefore, the owners/interested persons and the Indenting Department is hereby called upon to attend this office either in person or through an authorized agent within 15 days from the date of publication of this notice to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests and their objections, if any, to measurements of land.

Specification of land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M. S.
Udhampur	Udhampur	Jakhain	1133	01-05-00
			1132	00-05-00
			1131	01-15-00
			1130	01-18-08
			1129	01-01-03
			1128	00-03-03

1	2	3	4	5
				K. M. S.
			1126	00-07-05
			1125	00-11-01
			1123	00-03-04
			1124	00-00-02
			1122	00-01-00
			1121	00-00-02
			1120	00-15-01
			1111	00-04-00
			1110	00-05-00
			1109	00-01-03
			1107	00-02-00
			1108	00-02-07
			1106	00-14-00
			1104	00-05-00
			1103	00-04-00
			1102	00-16-00
			1101	01-08-00
			1035	01-04-00
			1034	00-06-00

1	2	3	4	5
				K. M. S.
			1029	00-05-03
			1028	00-02-02
			956	00-11-03
			952	00-12-02
			948	00-04-06
			951	00-05-00
			867	00-09-04
			866	00-12-02
			865	00-16-03
			864	00-06-06
			857	00-01-01
			855	00-07-00
			854	00-04-00
			853	00-03-03
			820	00-03-03
			819	00-06-00
			817	00-18-03
			815	00-04-04
			812	01-06-00
			811	00-03-03

1	2	3	4	5
				K. M. S.
			615	00-15-00
			616	00-08-00
			618	00-02-07
			619	00-18-06
			623	00-06-00
			665	00-04-04
			706	01-02-07
			707	00-14-07
			708	00-04-08
			709	00-04-03
			710	00-04-04
			711	00-16-06
			712	00-08-00
			716	01-03-03
			715	00-09-03
			717	00-11-00
			718	00-05-05
			720	00-12-04
			721	00-11-06
			728	00-01-07
			736	00-07-00
			737	00-01-05

1	2	3	4	5
				K. M. S.
			738	00-11-00
			741	00-16-03
			760	03-04-00
			549	00-12-03
			548	00-02-00
			546	01-00-00
			547	00-04-00
			519	02-14-00
			527	00-00-06
			523	00-00-05
			522	00-03-01
			521	00-06-07
			524	00-00-04
			520	00-04-00
			474	00-17-00
			518	00-18-00
			517	00-06-00
			516	00-13-03
			515	00-10-00

1	2	3	4	5
				K. M. S.
			496	00-08-06
			494	00-06-00
			495	00-02-03
			497	00-06-06
			493	00-00-02
			514	00-10-00
			1113	00-00-04
			498	00-03-06
			Total	47-17-03

(Sd.) ANGREZ SINGH RANA, KAS,

Collector, Land Acquisition
(Addl. Deputy Commissioner),
Udhampur.

Notice

I, Bhavika Kaloo D/o Sh. Suresh Kumar Kaloo R/o H. No. 2, Lane No. 2-A, Adarsh Nagar, Barnai Road, Bantalab, Jammu do hereby affirm and declare that my surname is wrongly written in school records i. e. Kalloo instead of Kaloo, and i want to correct my surname. If anyone have objection in this regard may conveyed to the concerned authority within 7 days from publication of this notice.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DEPUTY COMMISSIONER,
JAMMU.

Wazarat Road, Jammu-180001 (J&K)-India

Subject :—Declaration under sections 06 & 07 of Land Acquisition Act, Svt. 1990 for land measuring 01 Kanal 17 Marlas and 04 Sarsai situated at Village Gujral, Tehsil Jammu West for construction of road from Chaman Vihar towards extension Colonel Colony at Kabir Nagar, Talab Tillo, Jammu.

Notification No. 09/DCJ of 2015-16.

Whereas, the land whose specifications are given below is needed for public purposes i. e. for construction of road from Chaman Vihar towards extension Colonel Colony at Kabir Nagar, Talab Tillo in Village Gujral, Tehsil Jammu West, District Jammu ;

Specification of land

District	Tehsil	Village	Kh. Nos.	Area
				K. M. S.
Jammu	Jammu West	Gujral	186	00-00-05
			197	00-14-07
			200	00-10-08
			201	00-11-02
			Total	01-17-04

Whereas, notification required under section 4 (1) of the Land Acquisition Act, 1990 (Svt.) was issued by the Collector, Land Acquisition, PWD, Jammu vide endorsement No. LA/225-33 dated 18-05-2015 ;

Whereas, the undersigned duly authorized by the Government vide SRO-235 and 236 of 2009 dated 11-08-2009 to exercise the powers under sections 6 & 7 of the Land Acquisition Act, 1990 (Svt.) is satisfied after considering the report furnished by the Collector, Land Acquisition, PWD,

Jammu vide letter No. LA/520-21 dated 18-08-2015 that the land is required for public purpose viz. for construction of road from Chaman Vihar towards extension Colonel Colony at Kabir Nagar, Talab Tillo in Village Gujral, Tehsil Jammu West, District Jammu.

Now, therefore, it is declared under section 6 of the said Act that the aforementioned land is needed for public purpose.

Further, the Collector, Land Acquisition, PWD, Jammu is directed under section 7 of the said Act to take order for acquisition of the land of which specifications are given above and complete further proceedings under due process.

(Sd.) SIMRANDEEP SINGH, IAS,
Deputy Commissioner,
Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DEPUTY COMMISSIONER,
JAMMU.

Wazarat Road, Jammu-180001 (J&K)-India

Subject :—Declaration under sections 06 & 07 of Land Acquisition Act, Svt. 1990 for land measuring 01 Kanal & 08 Marlas situated in Village Sitni, Tehsil Nagrota, District Jammu for widening/four lanning of National Highway.

Notification No. 08/DCJ of 2015-16.

Whereas, the land whose specifications are given below is needed for public purposes i. e. for widening/four lanning of National Highway ;

Specification of land

District	Tehsil	Village	Kh. Nos.	Area
				K. M.
Jammu	Nagrota	Sitni	100	00-04
			101	01-04
			Total	01-08

Whereas, notification required under section 4 (1) of the Land Acquisition Act, 1990 (Svt.) was issued by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Jammu vide his endorsement No. LA/ACR/NHAI/Sitni/2015-16/168-74 dated 09-06-2014 ;

Whereas, the undersigned duly authorized by the Government vide SRO-235 and 236 of 2009 dated 11-08-2009 to exercise the powers under sections 6 & 7 of the Land Acquisition Act, 1990 (Svt.) is satisfied after considering the report furnished by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Jammu vide letter No. ACR/LA/NHAI-Sitni/2015-16/427 dated 19-09-2015 that the land is required for public purpose viz. for the widening/four lanning of National Highway at Village Sitni, Tehsil Nagrota, District Jammu.

Now, therefore, it is declared under section 6 of the said Act that the aforementioned land is needed for public purpose.

Further, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Jammu is directed under section 7 of the said Act to take order for acquisition of the land.

(Sd.) SIMRANDEEP SINGH, IAS,

Deputy Commissioner,
Jammu.

Notice

My Father's name has wrongly been written as Arya Mitter instead of Romesh Chander Gupta in my PAN Card bearing No. CKJPK9226M. Now, I am applying for correction. Objection, if any, may be conveyed to concerned authority within 7 days

Rama Khanna
D/o Romesh Chander Gupta,
R/o Q. No. 188, Rehari Colony,
Jammu.

IN THE COURT OF SUB-JUDGE, SPECIAL MOBILE
MAGISTRATE, JAMMU.

Present : Anjum Ara

File No. 459.

Date of Instt. 02-11-2015.

Date of Order 02-11-2015.

State Versus Sohail Qasim S/o Mohd. Qasim R/o Gujjar Colony,
Sunjwan, Jammu.

FIR No. 32/2015.

Offence under sections 341, 323 RPC

Police Station, Bahu Fort, Jammu.

In the Matter of :—Application for grant of bail and for cancellation of
General Warrant and proceedings under section
512 Cr. P. C.

Present :

SPO for State.

Accused along with counsel Mr. Monish Chopra, Advocate,
present.

Order

The application in hand has been presented by the applicant seeking his release on bail and cancellation of warrant issued under section 512 Cr. P. C. today in the Court. Let the same be diarized. The application seeks his release on bail on the ground that he is educated person and belongs to very respected family and has earned reputation in the society as such he deserves the protection of law as he has been falsely implicated in the above FIR under sections 341, 323 RPC. The applicant was never in knowledge any such case against him and neither at any point of time he ever receives any notice or summon and the I/O in a secret manner for oblique motives presented the chargesheet in absence of applicant in the court. The FIR is motivated only to harass the applicant and his family at the behest of complainant in order to counter blast the case of the applicant

as the complainant Ashfaq-ul-Rehman Poswal had caused grievous injuries to the applicant and the applicant was shifted to hospital where he remained hospitalized. It was only when the father of applicant approached the police to enquire about the status of FIR No. 36/2015 which has been registered against the complainant when they came to know that a challan under sections 341/323 RPC has also been filed against the applicant way back in the month of July in the court. He also came to know that proceedings under section 512 Cr. P. C. had also been initiated by the court. The applicant is innocent and respectable person and has been wrongly implicated in the above said case as such he be released on bail.

Objections were also called from the prosecution and main file was called from the office. The prosecution opposed the application on the ground that the accused was absconded after registration of case and was not available to the I/O in the investigation proceedings as such the challan was presented in his absence and warrant under section 512 Cr. P. C. was issued against him. The applicant has not surrendered before the court as such this application is not maintainable and deserves to be outrightly dismissed. More so the challan is at initial stage and the accused be directed to remain presented on each and every date of hearing in case bail is granted to him.

Perusal of main file reveals that the accused person is involved in FIR No. 32/2015 under sections 341/323 RPC of Police Station, Bahu Fort, Jammu and challan has been presented in this court in absence of accused on 11-07-2015. After recording statements I/O and Searching Officer, proceedings under section 512 Cr. P. C. have been initiated and accordingly General Warrant of arrest was also issued against the accused.

The accused person subjected himself to the custody of the court and prayed for lineant view on the ground that he himself was injured in the occurrence and he has been falsely implicated in the case. It is further stated that the applicant was not aware about the registration of FIR against him and about the present challan pending in the court. Since the accused is involved in bailable offences and subjected himself to the custody of the court as such he is entitled to be bailed out. More so the accused himself is Government employee as such there is less possibility that he will abscond or flee from the justice.

Therefore, keeping in view the facts and circumstances of the case the application in hand is allowed. Accordingly accused is admitted to bail subject to furnishing of bail bond and personal bond to the tune of

Rs. 10,000/- each with further direction that he will remain present before the court on each and every date of hearing. In result the General Warrant of arrest under section 512 Cr. P. C. is hereby cancelled.

Application is disposed off accordingly.

File be compiled and annexed with main challan.

(Sd.)

Sub-Judge,
Special Mobile Magistrate,
Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DEPUTY COMMISSIONER,
JAMMU.

Wazarat Road, Jammu-180001 (J&K)-India

Subject :—Declaration under sections 6 & 7 of Land Acquisition Act, Svt. 1990 for land measuring 07 Kanals and 17 Marlas situated at Village Chak Jogan, Tehsil Suchetgarh for establishment of BOP (Border Out Post).

Notification No. 14/DCJ of 2015-16.

Whereas, the land whose specifications are given below is needed for public purposes i. e. for establishment of BOP (Border Out Post) situated at Village Chak Jogan, Tehsil Suchetgarh ;

Specification of land

District	Tehsil	Village	Kh. Nos.	Area
				K. M.
Jammu	Suchetgarh	Chak Jogan	96	02-17
			97	00-06
			98	00-15
			122	03-19
			Total	07-17

Whereas, notification required under section 4 (1) of the Land Acquisition Act, 1990 (Svt.) was issued by the Collector, Land Acquisition, Sub-Divisional Magistrate, R. S. Pura vide endorsement No. SDM/LA/BOP-Jugnu Chak/2014-15/2569-74 dated 23-02-2015 ;

Whereas, the undersigned duly authorized by the Government vide SRO-235 and 236 of 2009 dated 11-08-2009 to exercise the powers under sections 6 & 7 of the Land Acquisition Act, 1990 (Svt.) is satisfied after considering the report furnished by the Collector, Land Acquisition, Sub-Divisional Magistrate, R. S. Pura vide letter No. LA/SDM/RSP/15-16/1074 dated 07-09-2015 and No. SDMR/LA/2015/1460 dated 12-11-2015 that the land is required for public purpose viz. for establishment of BOP (Border Out Post).

Now, therefore, it is declared under section 6 of the said Act that the aforementioned land is needed for public purpose.

Further, the Collector, Land Acquisition, Sub-Divisional Magistrate, R. S. Pura is directed under section 7 of the said Act to take order for acquisition of the land of which specifications are given above and complete further proceedings under due process.

(Sd.) SIMRANDEEP SINGH, IAS,

Deputy Commissioner,
Jammu.

Notice

My Father name has wrongly been written as Sandeep Singh Jasrotia instead of Sh. Surat Singh in my PAN Card bearing No. AIBPJ8409R. Now, I am applying for correction. Objection, if any, may be conveyed to concerned authority within 7 days.

Sandeep Singh Jasrotia
S/o Sh. Surat Singh,
R/o Village Badhori,
P/O Rahya.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Jammu, Thu., the 24th Dec., 2015/3rd Pausa, 1937. [No. 39

Separate paging is given to this part in order that it may be filed as a
separate compilation.

ADVERTISEMENTS—C

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE OF STATE MOTOR GARAGES,
J&K, NEW PLOTS, JAMMU.

Abridged Auction Notice

It is notified for the information of General Public that the State Motor Garages Department is conducting auction of condemned vehicles/ unserviceable stores etc. of J&K State Road Transport Corporation at the following places as per the schedule shown against each :—

Place of Auction	Date	Time
J&K State Road Transport Corporation at Pampore, Kashmir.	15-12-2015	1100 hours to 1600 hours.
J&K State Road Transport Corporation at Bemina, Srinagar.	16-12-2015	1100 hours to 1600 hours.
J&K State Road Transport Corporation at Narwal, Jammu.	28-12-2015	1100 hours to 1600 hours.

A detailed copy of Auction Notice can be had from the Office of Director/Deputy Director, State Motor Garages Department, New Plots, Jammu and Deputy Director, State Motor Garages Department, Bemina Bye-Pass, Srinagar on any working day.

(Sd.) Z. H. CHOUDHARY,

Director,
State Motor Garages Department,
J&K Government.

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE GENERAL, FIRE AND EMERGENCY SERVICES,
J&K, JAMMU.

GIST of e-NIT No. 09 of 2015

Dated 28-11-2015.

For and on behalf of the Governor of J&K State, e-Tenders are invited from the registered manufacturers/firms, authorized distributors/dealers for supply of Fire Fighting Delivery Hoses for Fire and Emergency Services, J&K.

Particulars	Earnest Money	Cost of tender document
Supply of Fire Fighting Delivery Hoses	₹ 01.00 lacs	₹ 03,000.00.
Date of publishing of tender notice	28-11-2015.	
Period of downloading of documents	From 30-11-2015 to 21-12-2015.	
Date of submission of online documents	30-11-2015 to 21-12-2015.	
Date of submission of hard copy	22-12-2015 up to 04.00 P. M.	
Date of opening of tender	23-12-2015 or any subsequent convenient date.	

The tender documents along with other Terms and Conditions of the NIT and relevant documents can be downloaded from the website <http://jktenders.gov.in>. The tender shall be uploaded in electronic format on the website <http://jktenders.gov.in>. The bidders shall have to upload scanned copy of all necessary documents like CDR/PAN/TIN/Demand Draft (Tender Fee)/registration certificate duly renewed and hard copies thereof physically to tender receipting authority well before the date of opening of the bid. The cost of tender documents shall be in the form of Bank Draft drawn in favour of Accounts Officer, Fire and Emergency Services, J&K payable at Srinagar/Jammu and Earnest Money shall be pledged to Director General, Fire and Emergency Services, J&K. Cost of tender documents is non-refundable, whileas the Earnest Money is refundable.

(Sd.)

Accounts Officer,
Fire and Emergency Services,
J&K, Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE GENERAL, FIRE AND EMERGENCY SERVICES,
J&K, JAMMU.

GIST of e-NIT No. 10 of 2015

Dated 28-11-2015.

For and on behalf of the Governor of J&K State, e-Tenders are invited from the registered manufacturers/firms or their authorized dealers/distributors for supply of Delivery Hose Couplings for Fire and Emergency Services.

Particulars	Earnest Money	Cost of tender document
1	2	3
Supply of Fire Delivery Hose couplings	₹ 01.00 lacs	₹ 02,000.00.

1	2	3
Date of publishing of tender notice	28-11-2015.	
Period of downloading of documents	From 30-11-2015 to 21-12-2015.	
Date of submission of online documents	From 30-11-2015 to 21-12-2015.	
Date of submission of hard copy	22-12-2015 up to 04.00 P. M.	
Date of opening of tender	23-12-2015 or any subsequent date.	

The tender documents along with other Terms and Conditions of the NIT and relevant documents can be downloaded from the website <http://jktenders.gov.in>. The tender shall be uploaded in electronic format on the website <http://jktenders.gov.in>. The bidders shall have to upload scanned copy of all necessary documents like CDR/PAN/TIN/Demand Draft (Tender Fee)/registration certificate duly renewed and hard copies thereof physically to tender receipting authority as per schedule specified. The cost of tender documents shall be in the form of Bank Draft drawn in favour of Accounts Officer, Fire and Emergency Services, J&K payable at Jammu/Srinagar and Earnest Money shall be pledged to Director General, Fire and Emergency Services, J&K. Cost of tender documents is non-refundable, whileas the Earnest Money is refundable.

(Sd.)

Accounts Officer,
Fire and Emergency Services,
Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE GENERAL, FIRE AND EMERGENCY SERVICES,
J&K, JAMMU.

GIST of e-NIT No. 08 of 2015

Dated 26-11-2015.

For and on behalf of the Governor of J&K State, e-Tenders are invited from the registered manufacturers/firms, authorized distributors/

dealers for supply of 20 Nos. of Portable 2, Stroke Fire Pumps for Fire and Emergency Services, J&K.

Particulars	Earnest Money	Cost of tender document
Supply of 20 units of 2 Stroke Portable Fire Pumps	₹ 02.00 lacs	₹ 05,000.00.
Date of publishing of tender notice	26-11-2015.	
Period of downloading of documents	From 27-11-2015 to 17-12-2015.	
Date of submission of online documents	27-11-2015 to 17-12-2015.	
Date of submission of hard copy	19-12-2015 up to 04.00 P. M.	
Date of opening of tender	21-12-2015 or any subsequent convenient date.	

The tender documents along with other Terms and Conditions of the NIT and relevant documents can be downloaded from the website <http://jktenders.gov.in>. The tender shall be uploaded in electronic format on the website <http://jktenders.gov.in>. The bidders shall have to upload scanned copy of all necessary documents like CDR/PAN/TIN/Demand Draft (Tender Fee)/registration certificate duly renewed and hard copies thereof physically to tender receipting authority well before the date of opening of the bid. The cost of tender documents shall be in the form of Bank Draft drawn in favour of Accounts Officer, Fire and Emergency Services, J&K payable at Srinagar/Jammu and Earnest Money shall be pledged to Director General, Fire and Emergency Services, J&K. Cost of tender documents is non-refundable, whileas the Earnest Money is refundable.

(Sd.)

Accounts Officer,
Fire and Emergency Services,
J&K, Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE SUPERINTENDING ENGINEER,
ELECTRIC PURCHASE CIRCLE-IIIND, BEMINA,
SRINAGAR-190010.

Cancellation Notice

In view of poor response, the below mentioned NIT's are hereby cancelled :—

NIT No.	Tender ID	Description of Material
1	2	3
EPC-II/12/ 2014-15	2014-PDD 13886-1	Purchase of 250 KVA, 33/0.433 KV Auxiliary Transformer
EPC-II/14/ 2014-15	2014-PDD 14169-1	Purchase of HV Testing Kit, Oil Testing Machine, Megger, AVO Meter and Hook on Meter
EPC-II/15/ 2014-15	2014-PDD 14175-1	Purchase of Drill Machine and Core Cutter
EPC-II/17/ 2014-15	2014-PDD 14185-1	Purchase of Welding Machine
EPC-II/18/ 2014-15	2014-PDD 14285-1	Purchase of 9 KV, Station Type Porcelain Housed Lightning Arrestor
EPC-II/03/ 2015-16	2015-PDD 16593-1	Purchase of 45 KN, 70 KN and 120 KN Composite Polymeric Disc Insulators

(Sd.).....

Superintending Engineer,
Electric Purchase Circle-IIInd,
Srinagar.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE GENERAL MANAGER, GOVERNMENT PRESS,
SRINAGAR.

Short Term Tender Notice

Fresh sealed short term tenders affixed with revenue stamps Rs. 6/- are invited from the interesting parties of registered private printers as well as binders for printing with binding of JK Law Book Vol. VI as per the press sample detailed below. The tenders should reach in the office of the undersigned by or before 22-12-2015 up to 2.00 P. M. The tenders are likely to be opened on the same day by the Unit Purchase Committee.

S. No.	Name of item	Quantity
1.	Printing with Binding of JK Law Vol. VI 20" x 26"/8 of 600 lvs. (approximately) with deluxe binding as per press sample	2000 books

Note :—Paper as per estimates and soft copy will be provided by this department.

Terms and Conditions :

1. The rates to be quoted FOR Government Press Stores, Srinagar inclusive of all charges of printing, binding, lifting of printed material and delivery duly bounded to this press etc.
2. The interesting parties are requested to attach a CDR/FDR of Rs. 5000/- or minimum 2% of their respective quoted tender as earnest money with their tender document pledged to General Manager, Government Press, Srinagar.
3. The payment on account of above job shall be made under rules to the successful tenderer after completion of job, subject to verification by the department if found according to press sample.
4. The tenderer shall have to deposit Rs. 50/- in cash (non-refundable) in this department as cost of tender document and can be had up to 21-12-2015 till 3.00 P. M.

5. The successful tenderer shall have to deposit personal security to the tune of Rs. 3.50 lacs before while lifting of printed material, in favour of General Manager, Government Press, Srinagar to safeguard the Government materials to be lifted for printing as well as binding purposes. The successful tenderer shall be personally responsible for any loss, theft or damage of the Government material.
6. The successful tenderer shall have to complete the job within 30 days.
7. The successful tenderer shall have to execute an agreement with this department.
8. The retes to be quoted shall remain valid up to 31-03-2016.
9. In case the successful tenderer backs out the contract, a penalty minimum of 2% of the allotment order shall be imposed against the defaulting firm besides, forfeiture of CDR.
10. In case the binding jobs executed by the successful tenderer are found defective as per the press sample. The cost of the material etc. shall be recovered from him and he shall be legally bound to manage the work done in time.

(Sd.).....

General Manager.

رجسٹرڈ نمبر جے کے۔ 33

جموں کشمیر گورنمنٹ گزٹ

جلد نمبر 128۔ جموں۔ مورخہ 24 دسمبر 2015ء بمطابق 3 پوسا 37-19۔ ویروار۔ نمبر 39

اشتہارات

از عدالت سب جج جوڈیشل مجسٹریٹ درجہ اول جموں
سرکار بنام محمد اشرف

چالان نمبر 60/چالان، دائرہ 27-04-2010

فیصلہ 12-10-2015 کارروائی 512 ضف

علت نمبر 63 سال 2010ء، تھانہ پولیس باہو فورٹ

بجرائم زیر دفعات : 3CA Act , 188 RPC

وارنٹ گشتی عام بمشاء دفعہ 512 ض ف

بخلاف ملزم : Mohd Ashrif S/o Mohd Yaqoob R/o Panjgria

Nagrotā Tehsil and District Jammu.

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر۔

مقدمہ مندرجہ عنوان الصدر میں آپ کو حکم و اختیار دیا جاتا ہے کہ آپ ملزم متذکرہ بالا کو جب کبھی اور جہاں کہیں اندر حدود ریاست جموں و کشمیر دستیاب ہو، کو گرفتار کر کے عدالت مجاز میں پیش کرے۔ وارنٹ گشتی تا دستیابی ملزم زیر کار رہے گا۔

وارنٹ ہذا آج مورخہ 12-10-2015 سے بعد دستخط راقم و مہر عدالت ہذا

سے جاری ہوا۔

سرکار بنام اے کمار

چالان نمبر 118 / چالان، دائرہ 26-10-2009

فیصلہ 2015-09-29 کارروائی 512 ض ف

علت نمبر 98 سال 2009ء، تھانہ پولیس نگروٹہ

بجرائم زیر دفعات: RPC 279/337/338

وارنٹ گشتی بمشاء دفعہ 512 ض ف

بخلاف ملزم : اے کمار ولد امر ناتھ ساکنہ امب گروٹہ جموں -
حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر۔

مقدمہ مندرجہ عنوان اُلصدر میں آپ کو حکم و اختیار دیا جاتا ہے کہ آپ
ملزم متذکرہ بالا کو جب کبھی اور جہاں کہیں اندر حدود ریاست جموں و کشمیر
دستیاب ہو، کو گرفتار کر کے عدالت مجاز میں پیش کرے۔ وارنٹ گشتی تادستیابی
ملزم زیر کار رہے گا۔

وارنٹ ہذا آج مورخہ 29-09-2015 سے بعد دستخط راقم
ومہر عدالت ہذا سے جاری ہوا۔

دستخط : سب جج جوڈیشل مجسٹریٹ درجہ اوّل جموں۔

از عدالت پرنسپل سیشن جج جموں

سرکار بنام آشوک کمار

مثل نمبری 79/سیشن، دائرہ 15-11-2010، تاریخ کارروائی 20-10-2015

تاریخ آئندہ پیشی

علت نمبر 146 سال 2010ء، تھانہ پولیس بخشی نگر جموں

وارنٹ گشتی زیر دفعہ 512 ض ف

بخلاف ملزم : آشوک کمار ولد مہندر لعل ساکنہ سپوال کیمپ تحصیل وڈ سٹرکٹ سانہ۔

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر۔

مقدمہ مندرجہ عنوان اُلصدر میں ملزم مذکور عرصہ دراز سے دستیاب نہ ہو رہا ہے۔

لہذا آپ کو بذریعہ وارنٹ گشتی ہذا حکم اختیار دیا جاتا ہے کہ آپ ملزم مذکور جہاں کہیں بھی اندر حد و ریاست جموں و کشمیر دستیاب ہو، کو گرفتار کر کے روبرو عدالت پیش کریں۔ وارنٹ ہذا تا دستیابی ملزم مذکور زیر کار رہے گا۔

آج تاریخ 20 ماہ اکتوبر سال 2015 ہمارے دستخط و مہر عدالت سے جاری ہوا۔

دستخط : پرنسپل سیشن جج جموں۔

♦♦♦♦♦♦♦♦♦♦

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Jammu, Mon., the 26th Oct., 2015/4th Kart., 1937. [No. 30-b

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Srinagar, the 26th October, 2015.

SRO-386.—Whereas, on 06-01-2011, a reliable information was, received at Police Station, Tral to the effect that some militants including the militant namely Ghulam Mohi-ud-Din Sheikh S/o Ghulam Rasool R/o Kuchmulla, Tral who had crossed LoC for obtaining arms training has returned to Valley via Nepal on Pakistani passport and is active in the area of for subversive activities and to disrupt sovereignty and integrity of the State ; and

Whereas, in this connection, Case FIR No. 04/2011 under sections 14 of Foreigners Act, 2/3 E&IMCO read with 3/12 Passport Act (Entry to India) was registered in Police Station, Tral and investigation initiated ; and

Whereas, during the course of investigation, one of the accused namely Ghulam Mohi-ud-Din Sheikh S/o Ghulam Rasool R/o Kuchmulla was apprehended and on the basis of statement of witnesses, seizure memos and other evidence, the Investigating Officer established a *prima facie* case against the accused person under section 3/12 Passport Act, apart from other offences.

Now, therefore, in exercise of powers conferred under section 15 of the Passport Act, 1967, the State Government hereby accords sanction for launching prosecution against the accused person namely Ghulam Mohi-ud-Din Sheikh S/o Ghulam Rasool R/o Kuchmulla, Tral for commission of offences punishable under section 3/12 of Passport Act, arising out of FIR No. 04/2011 of Police Station, Tral.

By order of the Government of Jammu and Kashmir.

(Sd.)

Principal Secretary to Government,
Home Department.

EXTRAORDINARY

REGD. NO. JK—33

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT

Notification

Srinagar, the 28th October, 2015.

SRO-393.—In exercise of the powers conferred by clause (b) of section 3 of the Jammu and Kashmir Grant of Permanent Resident Certificate (procedure) Act, 1963 (Act No. XIII of 1963), and in supersession of all the Notifications issued in this behalf, the Government hereby appoint the following Officers to be the competent authority for purposes of the said Act, within the territorial jurisdiction shown against each :—

S. No.	Name of Officer with designation	Jurisdiction
1.	Shri Harbans Lal, (KAS), Sub-Divisional Magistrate, Nowshera	Within territorial jurisdiction of Sub-Division Nowshera
2.	Shri Kartar Singh, (KAS), Sub-Divisional Magistrate, Sunderbani	Within territorial jurisdiction of Sub-Division Sunderbani

By order of the Government of Jammu and Kashmir.

(Sd.) MUHAMMED AFZAL, IAS,

Secretary to Government,
Revenue Department.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Jammu, Wed., the 28th Oct., 2015/6th Kart., 1937. [No. 30-k

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—LABOUR AND EMPLOYMENT
DEPARTMENT

Notification

Srinagar, the 28th October, 2015.

SRO-395.—Whereas, the Management of M/s. Bharti Infratel Ltd. Srinagar, 3rd Floor, Ansari Complex, Sonwar, Srinagar terminated the services of its workman namely Feroz Ahmad Bhat S/o Abdul Rashid Bhat R/o Truck Botpora, Tangmarg, District Baramulla ; and

Whereas, the aforesaid workman raised a dispute against the Management of M/s. Bharti Infratel Ltd., Srinagar, 3rd Floor, Ansari

Complex, Sonwar, Srinagar before the Conciliation Officer (Assistant Labour Commissioner), Srinagar ; and

Whereas, all efforts were made by Conciliation Officer during the conciliation proceedings to settle the dispute but both the parties were adamant on their stand and not willing to settle the dispute through negotiation ; and

Whereas, the Conciliation Officer (Assistant Labour Commissioner, Srinagar) submitted his failure report recommending the case for its reference to the Labour Court for adjudication ; and

Whereas, the Government is of the opinion that an industrial dispute exists between the Management of M/s. Bharti Infratel Ltd., Srinagar, 3rd Floor, Ansari Complex, Sonwar, Srinagar and its aforesaid workman ; and

Whereas, the Government considers it desirable to refer the said dispute to the Labour Court for adjudication.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (XIV of 1947), the Government hereby refers the said dispute to the Labour Court for adjudication on the following issues :—

1. Whether the management of M/s. Bharti Infratel Ltd., Srinagar is legally justified in terminating the services of its workman namely Feroz Ahmad Bhat ?
2. If not, to what relief he is entitled to ?

By order of the Government of Jammu and Kashmir.

(Sd.) SHAILENDRA KUMAR, IAS,
Commissioner/Secretary to Government,
Labour and Employment Department.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Jammu, Tue., the 10th Nov., 2015/19th Kart., 1937. [No. 32-a

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Notification

Jammu, the 10th November, 2015.

SRO-400.—In exercise of the powers conferred by section 5 of the Jammu and Kashmir Levy of Tolls Act, Samvat 1995 (Act No. VIII of 1995), the Government hereby exempt from payment of levy of toll leviable under the said Act, the following furniture items, donated by M/s Indian Furniture Limited and imported into the State by the Education

and Social Welfare Department for use in Primary/Middle Schools in flood affected areas at Udhampur subject to the condition that the Director, Education, Jammu/Director, Social Welfare, Jammu certifies that the goods so imported are exclusively meant for the aforesaid use only :—

S. No.	Description	Quantity
1.	Composite Desk and Bench Desk Size : 900x450x750 Hmm Bench Size : 900x250x450 Hmm	172
2.	Study Podium Table Size : 750x450x750 Hmm	50
Total		222

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN KUMAR CHOUDHARY, IAS,

Commissioner/Secretary to Government,
Finance Department.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Jammu, Tue., the 10th Nov., 2015/19th Kart., 1937. [No. 32-b

Separate paging is given to this part in order that it may be filed as a
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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Notification

Jammu, the 10th November, 2015.

SRO-401.—In exercise of the powers conferred by sub-section (2) of section 3 of the Jammu and Kashmir Entry Tax on Goods Act, 2000 (Act No. IV of 2000), the Government hereby exempt from payment of entry tax, leviable under the said Act, the following furniture items, donated by M/s Indian Furniture Limited and imported into the State by the Education

and Social Welfare Department for use in Primary/Middle Schools in flood affected areas at Udampur subject to the condition that the Director, Education, Jammu/Director, Social Welfare, Jammu certifies that the goods so imported are exclusively meant for the aforesaid use only :—

S. No.	Description	Quantity
1.	Composite Desk and Bench Desk Size : 900x450x750 Hmm Bench Size : 900x250x450 Hmm	172
2.	Study Podium Table Size : 750x450x750 Hmm	50
Total		222

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN KUMAR CHOUDHARY, IAS,

Commissioner/Secretary to Government,
Finance Department.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Jammu Wed., the 18th Nov., 2015/27th Kart., 1937. [No. 33-b

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT
(Haj and Auqaf Section)

Notification

Jammu, the 18th November, 2015.

SRO-403.—In exercise of the powers conferred by sub- section (1) of section 6 of the Jammu and Kashmir Wakafs Act, 2001 (Act No III of 2001), the Government after consulting the Administrator Auqaf Islamia,

Shadrah Sharief, Rajouri hereby publish land measuring 07 Kanals 14 Marlas under Khasra No. 483 situated at Village Mangota of Tehsil Thanna Mandi District Rajouri, as Wakaf Property for purpose of the said Act.

By order of the Government of Jammu and Kashmir.

(Sd.) MUHAMMAD AFZAL, IAS,

Secretary to Government.
Revenue Department.

Annexure-II

S. No.	District	Tehsil	Village	Khasra No.	Area	Nature of Property	Remarks
					K. M. Sft.		
1.	Rajouri	Thanna Mandi	Mangota	483	00—09—00	Ziarat Zakria Shah Sahib	
				do.	00—12—00	Masjid	
					00—04—00	Rasooie	
					00—04—00	Tanki	
					06—05—00	Graveyard	
				Total	07—14—00		

(Sd.)
Special Officer, Auqaf,
J&K Government.

No. 33-b] The J&K Govt. Gazette, 18th Nov., 2015/27th Kart., 1937.

SURVEY- ANNEXURE (I)

کیفیت ریاست جموں و کشمیر ضلع راجوری ضلع تحصیل تھہ منڈی فہرست جائیداد وقف واقع در موضع منگلوہ

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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EXTRAORDINARY

REGD. NO. JK-33



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART IV

Reprint from the Government of India Gazette.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 23rd October, 2015/Kartika 1, 1937 (Saka).

THE COMMERCIAL COURTS, COMMERCIAL DIVISION AND
COMMERCIAL APPELLATE DIVISION OF HIGH COURTS
ORDINANCE, 2015

No. 8 of 2015

Promulgated by the President in the Sixty-sixth Year of the Republic
of India.

An Ordinance to provide for the constitution of Commercial Courts,
Commercial Division and Commercial Appellate Division in the High Courts

for adjudicating commercial disputes of specified value and for matters connected therewith or incidental thereto.

Whereas, a Bill to provide for the Constitution of Commercial Courts, Commercial Division and Commercial Appellate Division in the High Courts for adjudicating commercial disputes of specified value was introduced in the Council of States and referred to the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report which is pending ;

And whereas, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

CHAPTER I

Preliminary

1. *Short title, extension and commencement.*—(1) This Ordinance may be called the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. *Definitions.*—(1) In this Ordinance, unless the context otherwise requires,—

(a) “Commercial Appellate Division” means the Commercial Appellate Division in a High Court constituted under sub-section (1) of section 5 ;

- (b) “Commercial Court” means the Commercial Court constituted under sub-section (1) of section 3 ;
- (c) “commercial dispute” means a dispute arising out of—
 - (i) ordinary transactions of merchants, bankers, financiers and traders such as those relating to mercantile documents, including enforcement and interpretation of such documents ;
 - (ii) export or import of merchandise or services ;
 - (iii) issues relating to admiralty and maritime law ;
 - (iv) transactions relating to aircraft, aircraft engines, aircraft equipment and helicopters, including sales, leasing and financing of the same ;
 - (v) carriage of goods ;
 - (vi) construction and infrastructure contracts, including tenders ;
 - (vii) agreements relating to immovable property used exclusively in trade or commerce ;
 - (viii) franchising agreements ;
 - (ix) distribution and licensing agreements ;
 - (x) management and consultancy agreements ;
 - (xi) joint venture agreements ;
 - (xii) shareholders agreements ;
 - (xiii) subscription and investment agreements pertaining to the services industry including outsourcing services and financial services ;

- (xiv) mercantile agency and mercantile usage ;
- (xv) partnership agreements ;
- (xvi) technology development agreements ;
- (xvii) intellectual property rights relating to registered and unregistered trademarks, copyright, patent, design, domain names, geographical indications and semi-conductor integrated circuits ;
- (xviii) agreements for sale of goods or provision of services ;
- (xix) exploitation of oil and gas reserves or other natural resources including electromagnetic spectrum ;
- (xx) insurance and re-insurance ;
- (xxi) contracts of agency relating to any of the above ; and
- (xxii) such other commercial disputes as may be notified by the Central Government.

Explanation :—A commercial dispute shall not cease to be a commercial dispute merely because—

- (a) it also involves action for recovery of immovable property or for realisation of monies out of immovable property given as security or involves any other relief pertaining to immovable property ;
- (b) one of the contracting parties is the State or any of its agencies or instrumentalities, or a private body carrying out public functions.

- (d) “Commercial Division” means the Commercial Division in a High Court constituted under sub-section (1) of section 4 ;
- (e) “District Judge” shall have the same meaning as assigned to it in clause (a) of Article 236 of the Constitution of India ;
- (f) “document” means any matter expressed or described upon any substance by means of letters, figures or marks, or electronic means, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter ;
- (g) “notification” means a notification published in the Official Gazette and the expression “notify” with its cognate meanings and grammatical variations shall be construed accordingly ;
- (h) “Schedule” means the Schedule appended to the Ordinance ; and
- (i) “Specified Value”, in relation to a commercial dispute, shall mean the value of the subject matter in respect of a suit as determined in accordance with section 12 which shall not be less than one crore rupees or such higher value, as may be notified by the Central Government.

(2) The words and expressions used and not defined in this Ordinance but defined in the Code of Civil Procedure, 1908 (5 of 1908) and the Evidence Act, 1872 (1 of 1872), shall have the same meanings respectively assigned to them in that Code and the Act.

CHAPTER II

Constitution of Commercial Courts, Commercial Divisions and Commercial Appellate Divisions

3. *Constitution of Commercial Courts.*—(1) The State Government, may after consultation with the concerned High Court, by notification,

constitute such number of Commercial Courts at District level, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Ordinance :

Provided that no Commercial Court shall be constituted for the territory over which the High Court has ordinary original civil jurisdiction.

(2) The State Government shall, after consultation, with the concerned High Court specify, by notification, the local limits of the area to which the jurisdiction of a Commercial Court shall extend and may, from time to time, increase, reduce or alter such limits.

(3) The State Government shall, with the concurrence of the Chief Justice of the High Court appoint one or more persons having experience in dealing with commercial disputes to be the Judge or Judges, of a Commercial Court, from amongst the cadre of Higher Judicial Service in the State.

4. *Constitution of Commercial Division of High Court.*—(1) In all High Courts, having ordinary civil jurisdiction, the Chief Justice of the High Court may, by order, constitute Commercial Division having one or more Benches consisting of a Single Judge for the purpose of exercising the jurisdiction and powers conferred on it under this Ordinance.

(2) The Chief Justice of the High Court shall nominate such Judges of the High Court who have experience in dealing with commercial disputes to be Judges of the Commercial Division.

5. *Constitution of Commercial Appellate Division.*—(1) After issuing notification under sub-section (1) of section 3 or order under sub-section (1) of section 4, the Chief Justice of the concerned High Court shall, by order, constitute Commercial Appellate Division having one or more Division Benches for the purpose of exercising the jurisdiction and powers conferred on it by the Ordinance.

(2) The Chief Justice of the High Court shall nominate such Judges of the High Court who have experience in dealing with commercial disputes to be Judges of the Commercial Appellate Division.

6. *Jurisdiction of Commercial Court.*—The Commercial Court shall have jurisdiction to try all suits and applications relating to a commercial dispute of a Specified Value arising out of the entire territory of the State over which it has been vested territorial jurisdiction.

Explanation :—For the purposes of this section, a commercial dispute shall be considered to arise out of the entire territory of the State over which a Commercial Court has been vested jurisdiction, if the suit or application relating to such commercial dispute has been instituted as per the provisions of sections 16 to 20 of the Code of Civil Procedure, 1908 (5 of 1908).

7. *Jurisdiction of Commercial Divisions of High Courts.*—All suits and applications relating to commercial disputes of a Specified Value filed in a High Court having ordinary original civil jurisdiction shall be heard and disposed of by the Commercial Division of that High Court :

Provided that all suits and applications relating to commercial disputes, stipulated by an Act to lie in a court not inferior to a District Court, and filed on the original side of the High Court, shall be heard and disposed of by the Commercial Division of the High Court :

Provided further that all suits and applications transferred to the High Court by virtue of sub-section (4) of section 22 of the Designs Act, 2000 (16 of 2000) or section 104 of the Patents Act, 1970 (39 of 1970) shall be heard and disposed of by the Commercial Division of the High Court in all the areas over which the High Court exercises ordinary original civil jurisdiction.

8. *Bar against revision application or petition against an interlocutory order.*—Notwithstanding anything contained in any other law for the time being in force, no civil revision application or petition shall be entertained against any interlocutory order of a Commercial Court, including an order on the issue of jurisdiction, and any such challenge, subject to the provisions of section 13, shall be raised only in an appeal against the decree of the Commercial Court.

9. *Transfer of suit if counter-claim in a commercial dispute is of Specified Value.*—(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) in the event that a counter-claim filed in a suit before a civil court relating to a commercial dispute is of Specified Value, such suit shall be transferred by the civil court to the Commercial Division or Commercial Court, as the case may be, having territorial jurisdiction over such suit.

(2) In the event that such suit is not transferred in the manner contemplated in sub-section (1), the Commercial Appellate Division of the High Court exercising supervisory jurisdiction over the civil court in question may, on the application of any of the parties to the suit, withdraw such suit pending before the civil court and transfer the same for trial or disposal to the Commercial Court or Commercial Division or, as the case may be, having territorial jurisdiction over such suit, and such order of transfer shall be final and binding.

10. *Jurisdiction in respect of arbitration matters.*—Where the subject matter of an arbitration is a commercial dispute of a Specified Value and—

- (1) If such arbitration is an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that have been filed in a High Court, shall be heard and disposed of by the Commercial Appellate Division where such Commercial Appellate Division has been constituted in such High Court.
- (2) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that have been filed on the original side of the High Court, shall be heard and disposed of by the Commercial Appellate Division where such Commercial Appellate Division has been constituted in such High Court.

- (3) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that would ordinarily lie before any principal civil court of original jurisdiction in a district (not being a High Court) shall be filed in, and heard and disposed of by the Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted.

11. *Bar of jurisdiction of Commercial Courts and Commercial Divisions.*—Notwithstanding anything contained in this Ordinance, a Commercial Court or a Commercial Division shall not entertain or decide any suit, application or proceedings relating to any commercial dispute in respect of which the jurisdiction of the civil court is either expressly or impliedly barred under any other law for the time being in force.

CHAPTER III

Specified Value

12. *Determination of Specified Value.*—(1) The Specified Value of the subject matter of the commercial dispute in a suit, appeal or application shall be determined in the following manner :—

- (a) where the relief sought in a suit or application is for recovery of money, the money sought to be recovered in the suit or application inclusive of interest, if any, computed up to the date of filing of the suit or application, as the case may be, shall be taken into account, for determining such Specified Value ;
- (b) where the relief sought in a suit, appeal or application relates to movable property or to a right therein, the market value of the movable property as on the date of filing of the suit, appeal

or application, as the case may be, shall be taken into account for determining such Specified Value ;

- (c) where the relief sought in a suit, appeal or application relates to immovable property or to a right therein, the market value of the immovable property, as on the date of filing of the suit, appeal or application, as the case may be, shall be taken into account for determining Specified Value ;
- (d) where the relief sought in a suit, appeal or application relates to any other intangible right, the market value of the said rights as estimated by the plaintiff shall be taken into account for determining Specified Value ; and
- (e) where the counter-claim is raised in any suit, appeal or application, the value of the subject matter of the commercial dispute in such counter-claim as on the date of the counter-claim shall be taken into account.

(2) The aggregate value of the claim and counter-claim, if any, as set out in the statement of claim and the counter-claim, if any, in an arbitration of a commercial dispute shall be the basis for determining whether such arbitration is subject to the jurisdiction of a Commercial Division, Commercial Appellate Division or Commercial Court, as the case may be.

(3) No appeal or civil revision application under section 115 of the Code of Civil Procedure, 1908 (5 of 1908), as the case may be, shall lie from an order of a Commercial Division or Commercial Court finding that it has jurisdiction to hear a commercial dispute under this Ordinance.

CHAPTER IV

Appeals

13. *Appeals from decrees of Commercial Courts and Commercial Divisions.*—(1) Any person aggrieved by the decision of the Commercial

Court or Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of judgment or order, as the case may be :

Provided that an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 (5 of 1908) as amended by this Ordinance and section 37 of the Arbitration and Conciliation Act, 1996 (26 of 1996).

(2) Notwithstanding anything contained in any other law for the time being in force or Letters Patent of a High Court, no appeal shall lie from any order or decree of a Commercial Division or Commercial Court otherwise than in accordance with the provisions of this Ordinance.

14. *Expeditious disposal of appeals.*—The Commercial Appellate Division shall endeavour to dispose of appeals filed before it within a period of six months from the date of filing of such appeal.

CHAPTER V

Transfer of Pending Suits

15. *Transfer of pending cases.*—(1) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996 (26 of 1996), relating to a commercial dispute of Specified Value pending in a High Court where a Commercial Division has been constituted, shall be transferred to the Commercial Division.

(2) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996 (26 of 1996), relating to a commercial dispute of Specified Value pending in any civil court in any district or area in respect of which a Commercial Court has been constituted, shall be transferred to such Commercial Court :

Provided that no suit or application where the final judgment has been reserved by the Court prior to the constitution of the Commercial Division or the Commercial Court shall be transferred either under sub-section (1) or sub-section (2).

(3) Where any suit or application, including an application under the Arbitration and Conciliation Act, 1996 (26 of 1996), relating to a commercial dispute of Specified Value shall stand transferred to the Commercial Division or Commercial Court under sub-section (1) or sub-section (2), the provisions of this Ordinance shall apply to those procedures that were not complete at the time of transfer.

(4) The Commercial Division or Commercial Court, as the case may be, may hold case management hearings in respect of such transferred suit or application in order to prescribe new timelines or issue such further directions as may be necessary for a speedy and efficacious disposal of such suit or application in accordance with Order XIV-A of the Code of Civil Procedure, 1908 (5 of 1908) :

Provided that the proviso to sub-rule (1) of Rule 1 of Order V of the Code of Civil Procedure, 1908 (5 of 1908) shall not apply to such transferred suit or application and the court may, in its discretion, prescribe a new time period within which the written statement must be filed.

(5) In the event that such suit or application is not transferred in the manner specified in sub-section (1), sub-section (2) or sub-section (3), the Commercial Appellate Division of the High Court may, on the application of any of the parties to the suit, withdraw such suit or application from the court before which it is pending and transfer the same for trial or disposal to the Commercial Division or Commercial Court, as the case may be, having territorial jurisdiction over such suit, and such order of transfer shall be final and binding.

CHAPTER VI

Amendments to the Provisions of the Code of Civil Procedure, 1908

16. *Amendments to Code of Civil Procedure, 1908 in its application to commercial disputes.*—(1) The provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, in their application to any suit in

respect of a commercial dispute of a Specified Value, stand amended in the manner as specified in the Schedule.

(2) The Commercial Division and Commercial Court shall follow the provisions of the Code of Civil Procedure, 1908 (5 of 1908), as amended by this Ordinance, in the trial of a suit in respect of a commercial dispute of a Specified Value.

(3) Where any provision of any rule of the jurisdictional High Court or any amendment to the Code of Civil Procedure, 1908, by the State Government is in conflict with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), as amended by this Ordinance, the provisions of the Code of Civil Procedure as amended by this Ordinance shall prevail.

CHAPTER VII

Miscellaneous

17. *Collection and disclosure of data by Commercial Courts, Commercial Divisions and Commercial Appellate Divisions.*—The statistical data regarding the number of suits, applications, appeals or writ petitions filed before the Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, the pendency of such cases, the status of each case, and the number of cases disposed of, shall be maintained and updated every month by each Commercial Court, Commercial Division, Commercial Appellate Division and shall be published on the website of the relevant High Court.

18. *Power of High Court to issue directions.*—The High Court may, by notification, issue practice directions to supplement the provisions of Chapter II or the Code of Civil Procedure, 1908 (5 of 1908) in so far as such provisions apply to the hearing of commercial disputes of a Specified Value.

19. *Infrastructure facilities.*—The State Government shall provide necessary infrastructure to facilitate the working of a Commercial Court or a Commercial Division of a High Court.

20. *Training and continuous education.*—The State Government may, in consultation with the High Court, establish necessary facilities providing for training of Judges who may be appointed to the Commercial Court, Commercial Division or the Commercial Appellate Division in a High Court.

21. *Act to have overriding effect.*—Save as otherwise provided, the provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law for the time being in force other than this Ordinance.

22. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance as may appear to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

SCHEDULE

(See section 17)

1. *Amendment of section 26.*—In section 26 of the Code of Civil Procedure, 1908 (5 of 1908) (hereafter referred to as the Code), in sub-section (2), the following proviso shall be inserted, namely :—

“Provided that such an affidavit shall be in the form and manner as prescribed under Order VI Rule 15A.”.

2. *Substitution of new section for section 35.*—For section 35 of the Code, the following section shall be substituted, namely :—

“35. (1) In relation to any commercial dispute, the Court, notwithstanding anything contained in any other law for the time being in force or rule, has the discretion to determine—

- (a) whether costs are payable by one party to another ;
- (b) the quantum of those costs ; and
- (c) when they are to be paid.

Explanation :—For the purpose of clause (a), the expression “costs” shall mean reasonable costs relating to—

- (i) the fees and expenses of the witnesses incurred ;
- (ii) legal fees and expenses incurred ;
- (iii) any other expenses incurred in connection with the proceedings.

(2) If the Court decides to make an order for payment of costs, the general rule is that the unsuccessful party will be ordered to pay the costs of the successful party :

Provided that the Court may make an order deviating from the general rule for reasons to be recorded in writing.

Illustration :—The Plaintiff, in his suit, seeks a money decree for breach of contract, and damages. The Court holds that the Plaintiff is entitled to the money decree. However, it returns a finding that the claim for damages is frivolous and vexatious.

In such circumstances the Court may impose costs on the Plaintiff, despite the Plaintiff being the successful party, for having raised frivolous claims for damages.

(3) In making an order for the payment of costs, the Court shall have regard to the following circumstances, including :—

- (a) the conduct of the parties ;
- (b) whether a party has succeeded on part of its case, even if that party has not been wholly successful ;
- (c) whether the party had made a frivolous counter-claim leading to delay in the disposal of the case ;
- (d) whether any reasonable offer to settle is made by a party and unreasonably refused by the other party ; and
- (e) whether the party had made a frivolous claim and instituted a vexatious proceeding wasting the time of the Court.

(4) The orders which the Court may make under this provision include an order that a party must pay—

- (a) a proportion of another party's costs ;
- (b) a stated amount in respect of another party's costs ;
- (c) costs from or until a certain date ;
- (d) costs incurred before proceedings have begun ;

- (e) costs relating to particular steps taken in the proceedings ;
- (f) costs relating to a distinct part of the proceedings ; and
- (g) interest on costs from or until a certain date.”

3. *Amendment of section 35A.*—In section 35A of the Code, sub-section (2) shall be omitted.

4. *Amendment of First Schedule.*—In the First Schedule to the Code :—

- (A) in the Order V, in Rule 1, in sub-rule (1), for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons. On expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.”;

- (B) in Order VI,—

- (i) after Rule 3, the following rule shall be inserted, namely :—

“3A. Forms of pleading in Commercial Courts.—
In a Commercial Dispute, where forms of pleadings have been prescribed under the High Court Rules or Practice Directions made for the purposes of such commercial disputes, pleadings shall be in such forms.” ;

- (ii) after Rule 15, the following rule shall be inserted, namely :—

“15A. Verification of pleadings in a Commercial Dispute.—(1) Notwithstanding anything contained in Rule 15, every pleading in a Commercial Dispute shall be verified by an affidavit in the manner and form prescribed in the Appendix to this Schedule.

- (2) An affidavit under sub-rule (1) above shall be signed by the party or by one of the parties to the proceedings, or by any other person on behalf of such party or parties who is proved to the satisfaction of the Court to be acquainted with the facts of the case and who is duly authorised by such party or parties.
- (3) Where a pleading is amended, the amendments must be verified in the form and manner referred to in sub-rule (1) unless the Court orders otherwise.
- (4) Where a pleading is not verified in the manner provided under sub-rule (1), the party shall not be permitted to rely on such pleading as evidence or any of the matters set out therein.
- (5) The Court may strike out a pleading which is not verified by a Statement of Truth, namely, the affidavit set out in the Appendix to this Schedule.” ;
- (C) in Order VII, after Rule 2, the following rule shall be inserted, namely : —

“2A. Where interest is sought in the suit.—(1) Where the plaintiff seeks interest, the plaint shall contain a statement to that effect along with the details set out under sub-rules (2) and (3).

- (2) Where the plaintiff seeks interest, the plaint shall state whether the plaintiff is seeking interest in relation to a commercial transaction within the meaning of section 34 of

the Code of Civil Procedure 1908 (5 of 1908) and, furthermore, if the plaintiff is doing so under the terms of a contract or under an Act, in which case the Act is to be specified in the plaint ; or on some other basis and shall state the basis of that.

(3) Pleadings shall also state—

- (a) the rate at which interest is claimed ;
- (b) the date from which it is claimed ;
- (c) the date to which it is calculated ;
- (d) the total amount of interest claimed to the date of calculation ; and
- (e) the daily rate at which interest accrues after that date.” ;

(D) in Order VIII,—

- (i) in Rule 1, for the proviso, the following proviso shall be substituted, namely :—

“Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons. On expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.” ;

- (ii) after Rule 3, the following rule shall be inserted, namely :—

“3A. Denial by the defendant in suits before the Commercial Division of the High Court or the Commercial Court—

- (1) Denial shall be in the manner provided in sub-rules (2), (3), (4) and (5) of this rule.
- (2) The defendant in his written statement shall state which of the allegations in the particulars of plaint he denies, which allegations he is unable to admit or deny, but which he requires the plaintiff to prove, and which allegations he admits.
- (3) Where the defendant denies an allegation of fact in a plaint, he must state his reasons for doing so and if he intends to put forward a different version of events from that given by the plaintiff, he must state his own version.
- (4) If the defendant disputes the jurisdiction of the Court he must state the reasons for doing so, and if he is able, give his own statement as to which Court ought to have jurisdiction ;
- (5) If the defendant disputes the plaintiffs valuation of the suit, he must state his reasons for doing so, and if he is able, give his own statement of the value of the suit.” ;

- (iii) in Rule 5, in sub-rule (1), after the first proviso, the following proviso shall be inserted, namely :—

“Provided further, that every allegation of fact in the plaint, if not denied in the manner provided under Rule 3A of this Order, shall be taken to be admitted except as against a person under disability.” ;

- (iv) in Rule 10, after the first proviso, the following proviso shall be inserted, namely : —

“Provided further that no Court shall make an order to extend the time provided under Rule 1 of this Order for filing of the written statement.” ;

- (E) for Order XI of the Code, the following Order shall be substituted, namely :—

“ORDER XI

DISCLOSURE, DISCOVERY AND INSPECTION OF
DOCUMENTS IN SUITS BEFORE THE COMMERCIAL DIVISION
OF A HIGH COURT OR A COMMERCIAL COURT

1. *Disclosure and discovery of documents.*—(1) Plaintiff shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint, including :—

- (a) Documents referred to and relied on by the plaintiff in the plaint ;
- (b) Documents relating to any matter in question in the proceedings, in the power, possession, control or custody of the plaintiff, as on the date of filing the plaint, irrespective of whether the same is in support of or adverse to the plaintiffs case ;
- (c) nothing in this rule shall apply to documents produced by plaintiffs and relevant only—
 - (i) for the cross-examination of the defendant’s witnesses ; or
 - (ii) in answer to any case setup by the defendant subsequent to the filing of the plaint ; or
 - (iii) handed over to a witness merely to refresh his memory.

(2) The list of documents filed with the plaint shall specify whether the documents in the power, possession, control or custody of the plaintiff are originals, office copies or photocopies. The list shall also set out in brief, details of parties to each document, mode of execution, issuance or receipt and line of custody of each document.

(3) The plaint shall contain a declaration on oath from the plaintiff that all documents in the power, possession, control or custody of the plaintiff, pertaining to the facts and circumstances of the proceedings initiated by him have been disclosed and copies thereof annexed with the plaint, and that the plaintiff does not have any other documents in its power, possession, control or custody.

*Explanation :—*A declaration on oath under this sub-rule shall be contained in the Statement of Truth as set out in the Appendix.

(4) In case of urgent filings, plaintiff may seek leave to rely on additional documents, as part of the above declaration on oath and subject to grant of such leave by Court, the plaintiff shall file such additional documents in Court, within thirty days of filing the suit, along with a declaration on oath that the plaintiff has produced all documents in its power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by the plaintiff and that the plaintiff does not have any other documents, in its power, possession, control or custody.

(5) Plaintiff shall not be allowed to rely on documents, which were in the plaintiffs power, possession, control or custody and not disclosed along with plaint or within the extended period set out above, save and except by leave of Court. Such leave shall be granted only upon the plaintiff establishing reasonable cause for non-disclosure along with the plaint.

(6) The plaint shall set out details of documents, which the plaintiff believes to be in the power, possession, control, or custody of the defendant and which the plaintiff wishes to rely upon and seek leave for production thereof by the said defendant.

(7) Defendant shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the written statement or with its counter-claim, if any, including :—

- (a) documents referred to and relied on by the defendant in the written statement ;
- (b) documents relating to any matter in question in the proceeding in the power, possession, control or custody of the defendant, irrespective of whether the same is in support of or adverse to the defendant's defense ;
- (c) nothing in this rule shall apply to documents produced by defendants and relevant only—
 - (i) for the cross-examination of the plaintiffs witnesses ;
 - (ii) in answer to any case setup by the plaintiff subsequent to the filing of the plaint ; or
 - (iii) handed over to a witness merely to refresh his memory.

(8) The list of documents filed with the written statement or counter-claim shall specify whether the documents, in the power, possession, control or custody of the defendant, are originals, office copies or photocopies. The list shall also set out in brief, details of parties to each document being produced by the defendant, mode of execution, issuance or receipt and line of custody of each document.

(9) The written statement or counter-claim shall contain a declaration on oath made by the deponent that all documents in the power, possession, control or custody of the defendant, save and except for those set out in sub-rule 7 (c)(iii) above, pertaining to the facts and circumstances of the proceedings initiated by the plaintiff or in the counter-claim, have been

disclosed and copies thereof annexed with the written statement or counter-claim and that the defendant does not have in its power, possession, control or custody, any other documents.

(10) Save and except for sub-rule 7 (c)(iii), defendant shall not be allowed to rely on documents, which were in the defendant's power, possession, control or custody and not disclosed along with the written statement or counter-claim, save and except by leave of Court. Such leave shall be granted only upon the defendant establishing reasonable cause for non-disclosure along with the written statement or counter-claim.

(11) The written statement or counter-claim shall set out details of documents in the power, possession, control or custody of the plaintiff, which the defendant wishes to rely upon and which have not been disclosed with the plaint, and call upon the plaintiff to produce the same.

(12) Duty to disclose documents, which have come to the notice of a party, shall continue till disposal of the suit.

2. *Discovery by Interrogatories.*—(1) In any suit the plaintiff or defendant by leave of the Court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer :

Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose :

Provided further that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

(2) On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the Court, and that Court shall decide within seven days from the day of filing of the said application, in deciding upon such application, the Court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given

as to such only of the interrogatories submitted as the Court shall consider necessary either for disposing fairly of the suit or for saving costs.

(3) In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the Court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

(4) Interrogatories shall be in the form provided in Form No. 2 in Appendix C to the Code of Civil Procedure, 1908 (5 of 1908), with such variations as circumstances may require.

(5) Where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer of other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.

(6) Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited *bona fide* for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on the ground of privilege or any other ground may be taken in the affidavit in answer.

(7) Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous and any application for this purpose may be made within seven days after service of the interrogatories.

(8) Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the court may allow.

(9) An affidavit in answer to interrogatories shall be in the form provided in Form No. 3 in Appendix C to the Code of Civil Procedure, 1908 (5 of 1908), with such variations as circumstances may require.

(10) No exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the court.

(11) Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the court for an order requiring him to answer, or to answer further, as the case may be, and an order may be made requiring him to answer, or to answer further, either affidavit or by viva voce examination, as the court may direct.

3. *Inspection.*—(1) All parties shall complete inspection of all documents disclosed within thirty days of the date of filing of the written statement or written statement to the counter-claim, whichever is later. The Court may extend this time limit upon application at its discretion, but not beyond thirty days in any event.

(2) Any party to the proceedings may seek directions from the Court, at any stage of the proceedings, for inspection or production of documents by the other party, of which inspection has been refused by such party or documents have not been produced despite issuance of a notice to produce.

(3) Order in such application shall be disposed of within thirty days of filing such application, including filing replies and rejoinders (if permitted by Court) and hearing.

(4) If the above application is allowed, inspection and copies thereof shall be furnished to the party seeking it, within five days of such order.

(5) No party will be permitted to rely on a document, which it had failed to disclose or of which inspection has not been given, save and except with leave of Court.

(6) Court may impose exemplary costs against a defaulting party, who wilfully or negligently failed to disclose all documents pertaining to a suit or essential for a decision therein and which are in their power, possession, control or custody or where a Court holds that inspection or copies of any documents had been wrongfully or unreasonably withheld or refused.

4. *Admission and denial of documents.*—(1) Each party shall submit a statement of admissions or denials of all documents disclosed and of which inspection has been completed, within fifteen days of the completion of inspection or any later date as fixed by the Court.

(2) The statement of admissions and denials shall set out explicitly, whether such party was admitting or denying—

- (a) Correctness of contents of a document ;
- (b) Existence of a document ;
- (c) Execution of a document ;
- (d) Issuance or receipt of a document ;
- (e) Custody of a document.

Explanation :—A statement of admission or denial of the existence of a document made in accordance with sub-rule 3(2)(b) of the modified Order XI will include the admission or denial of the contents of a document.

(3) Each party shall set out reasons for denying a document under any of the above grounds. Bare and unsupported denials shall not be deemed to be denials of a document and proof of such documents may then be dispensed with at the discretion of the Court.

(4) Any party may however submit bare denials for third party documents of which the party denying does not have any personal knowledge of, and to which the party denying is not a party to in any manner whatsoever.

(5) An Affidavit in support of the statement of admissions and denials shall be filed confirming the correctness of the contents of the statement.

(6) In the event that the Court holds that any party has unduly refused to admit a document under any of the above criteria, costs (including exemplary costs) for deciding on admissibility of a document may be imposed by the Court on such party.

(7) Court may pass orders with respect to admitted documents including for waiver of further proof thereon or rejection of any documents.

5. *Production of documents.*—(1) Any party to a proceeding may seek or the Court may order, at any time during the pendency of any suit, production by any party or person, of such documents in the possession or power of such party or person, relating to any matter in question in such suit.

(2) Notice to produce such document shall be issued in the form provided in Form No. 7 in Appendix C to the Code of Civil Procedure, 1908 (5 of 1908).

(3) Any party or person to whom such notice to produce is issued shall be given not less than seven days and not more than fifteen days to produce such document or to answer to their inability to produce such document.

(4) The Court may draw an adverse inference against a party refusing to produce such document after issuance of a notice to produce and where sufficient reasons for such non-production are not given and order costs.

6. *Electronic records.*—(1) In case of disclosures and inspection of electronic records (as defined in the Information Technology Act, 2000) (21 of 2000) furnishing of printouts shall be sufficient compliance of the above provisions.

(2) At the discretion of the parties or where required (when parties wish to rely on audio or video content), copies of electronic records may be furnished in electronic form either in addition to or in lieu of printouts.

(3) Where electronic records form part of documents disclosed, the declaration on oath to be filed by a party shall specify—

- (a) parties to such electronic record ;
- (b) manner in which such electronic record was produced and by whom ;
- (c) dates and time of preparation or storage or issuance or receipt of each such electronic record ;
- (d) Source of such electronic record and date and time when the electronic record was printed ;
- (e) in case of email ids, details of ownership, custody and access to such email ids ;
- (f) in case of documents stored on a computer or computer resource (including on external servers or cloud), details of ownership, custody and access to such data on the computer or computer resource ;
- (g) deponent's knowledge of contents and correctness of contents ;
- (h) whether the computer or computer resource used for preparing or receiving or storing such document or data was functioning properly or in case of malfunction that such malfunction did not affect the contents of the document stored ;
- (i) that the printout or copy furnished was taken from the original computer or computer resource.

(4) The parties relying on printouts or copy in electronic form, of any electronic records, will not be required to give inspection of electronic records, provided a declaration is made by such party that each such copy, which has been produced, has been made from the original electronic record.

(5) The Court may give directions for admissibility of electronic records at any stage of the proceedings.

(6) Any party may seek directions from the Court and the Court may of its motion issue directions for submission of further proof of any electronic record including metadata or logs before admission of such electronic record.

7. *Certain provisions of the Code of Civil Procedure, 1908 not to apply.*—For avoidance of doubt, it is hereby clarified that Order XIII Rule 1, Order VII Rule 14 and Order VIII Rule 1A the Code of Civil Procedure, 1908 (5 of 1908) shall not apply to suits or applications before the Commercial Divisions of High Court or Commercial Courts.”.

5. *Insertion of new Order XIII-A.*—After Order XIII of the Code, the following order shall be inserted, namely :—

“ORDER XIII-A

1. *Scope of and classes of suits to which this order applies.*— (1) This order sets out the procedure by which Courts may decide a claim pertaining to any Commercial Dispute without recording oral evidence.

(2) For the purposes of this order, the word “claim” shall include—

- (a) part of a claim ;
- (b) any particular question on which the claim (whether in whole or in part) depends ; or
- (c) a counter-claim, as the case may be.

(3) Notwithstanding anything to the contrary, an application for summary judgment under this order shall not be made in a suit in respect of any Commercial Dispute that is originally filed as a summary suit under Order XXXVII.

2. *Stage for application for summary judgment.*—An applicant may apply for summary judgment at any time after summons has been served on the defendant :

Provided that, no application for summary judgment may be made by such applicant after the Court has framed the issues in respect of the suit.

3. *Grounds for summary judgment.*—The Court may give a summary judgment against a plaintiff or defendant on a claim if it considers that—

- (a) the plaintiff has no real prospect of succeeding on the claim or the defendant has no real prospect of successfully defending the claim, as the case may be ; and
- (b) there is no other compelling reason why the claim should not be disposed of before recording of oral evidence.

4. *Procedure.*—(1) An application for summary judgment to a Court shall, in addition to any other matters the applicant may deem relevant, include the matters set forth in sub-rules (a) to (f) mentioned hereunder—

- (a) the application must contain a statement that it is an application for summary judgment made under this order ;
- (b) the application must precisely disclose all material facts and identify the point of law, if any ;
- (c) in the event the applicant seeks to rely upon any documentary evidence, the applicant must—
 - (i) include such documentary evidence in its application ; and
 - (ii) identify the relevant content of such documentary evidence on which the applicant relies.

- (d) the application must state the reason why there are no real prospects of succeeding on the claim or defending the claim, as the case may be ;
- (e) the application must state what relief the applicant is seeking and briefly state the grounds for seeking such relief.

(2) Where a hearing for summary judgment is fixed, the respondent must be given at least thirty days' notice of,—

- (a) the date fixed for the hearing ; and
- (b) the claim that is proposed to be decided by the Court at such hearing.

(3) The respondent may, within thirty days of the receipt of notice of application of summary judgment or notice of hearing (whichever is earlier), file a reply addressing the matters set forth in sub-rules (a) to (f) mentioned hereunder in addition to any other matters that the respondent may deem relevant—

- (a) The reply must precisely—
 - (i) disclose all material facts ;
 - (ii) identify the point of law, if any ; and
 - (iii) state the reasons why the relief sought by the applicant should not be granted.
- (b) in the event the respondent seeks to rely upon any documentary evidence in its reply, the respondent must—
 - (i) include such documentary evidence in its reply ; and
 - (ii) identify the relevant content of such documentary evidence on which the respondent relies.
- (c) the reply must state the reason why there are real prospects of succeeding on the claim or defending the claim, as the case may be ;

- (d) the reply must concisely state the issues that should be framed for trial ;
- (e) the reply must identify what further evidence will be brought on record at trial that could not be brought on record at the stage of summary judgment ; and
- (f) the reply must state why, in light of the evidence or material on record, if any, the Court should not proceed to summary judgment.

5. *Evidence for hearing of summary judgment.*—

(1) Notwithstanding anything in this order, if the respondent in an application for summary judgment wishes to rely on additional documentary evidence during the hearing, the respondent must,—

- (a) file such documentary evidence ; and
- (b) serve copies of such documentary evidence on every other party to the application at least fifteen days prior to the date of the hearing.

(2) Notwithstanding anything in this order, if the applicant for summary judgment wishes to rely on documentary evidence in reply to the defendant's documentary evidence, the applicant must—

- (a) file such documentary evidence in reply ; and
- (b) serve a copy of such documentary evidence on the respondent at least five days prior to the date of the hearing.

(3) Notwithstanding anything to the contrary, sub-rules (1) and (2) above shall not require documentary evidence to be—

- (a) filed if such documentary evidence has already been filed ; or
- (b) served on a party on whom it has already been served.

6. Orders that may be made by the Court.—(1) On an application made under this order, the Court may make such orders that it may deem fit in its discretion including the following :—

- (a) judgment on the claim ;
- (b) conditional order in accordance with Rule 7 mentioned hereunder ;
- (c) dismissing the application ;
- (d) dismissing part of the claim and a judgment on part of the claim that is not dismissed ;
- (e) striking out the pleadings (whether in whole or in part) ; or
- (f) further directions to proceed for case management under Order XVA.

(2) Where the Court makes any of the orders as set forth in sub-rule (1)(a) to (f) above, the Court shall record its reasons for making such order.

7. Conditional order.—(1) Where it appears to the Court that it is possible that a claim or defence may succeed but it is improbable that it will do so, the Court may make a conditional order as set forth in Rule 6(b) above.

(2) Where the Court makes a conditional order, it may,—

- (a) make it subject to all or any of the following conditions :—
 - (i) require a party to deposit a sum of money in the Court ;
 - (ii) require a party to take a specified step in relation to the claim or defence, as the case may be ;

- (iii) require a party, as the case may be, to give such security or provide such surety for restitution of costs as the Court deems fit and proper ;
- (iv) impose such other conditions, including providing security for restitution of losses that any party is likely to suffer during the pendency of the suit, as the Court may deem fit in its discretion ; and
- (b) specify the consequences of the failure to comply with the conditional order, including passing a judgment against the party that have not complied with the conditional order.

8. *Power to impose costs.*—The Court may make an order for payment of costs in an application for summary judgment in accordance with the provisions of sections 35 and 35A of the Code.”.

6. *Omission of Order XV.*—Order XV of the Code shall be omitted.

7. *Insertion of Order XV-A.*—After Order XV of the Code, the following Order shall be inserted, namely :—

“ORDER XV-A

1. *First Case Management Hearing.*—The Court shall hold the First Case Management Hearing, not later than four weeks from the date of filing of affidavit of admission or denial of documents by all parties to the suit.

2. *Orders to be passed in a Case Management Hearing.*—In a Case Management Hearing, after hearing the parties, and once it finds that there are issues of fact and law which require to be tried, the Court may pass an order—

- (a) framing the issues between the parties in accordance with Order XIV of the Code of Civil Procedure, 1908 (5 of 1908) after examining pleadings, documents and documents produced

before it, and on examination conducted by the Court under Rule 2 of Order X, if required ;

- (b) listing witnesses to be examined by the parties ;
- (c) fixing the date by which affidavit of evidence to be filed by parties ;
- (d) fixing the dates on which evidence of the witnesses of the parties to be recorded ;
- (e) fixing the date by which written arguments are to be filed before the Court by the parties ;
- (f) fixing the date on which oral arguments are to be heard by the Court ; and
- (g) setting time limits for parties and/or their advocates to address oral arguments.

3. *Time limit for the completion of a trial.*—In fixing dates or setting time limits for the purposes of Rule 2 of this order, the Court shall ensure that the arguments are closed not later than six months from the date of the first case management hearing.

4. *Recording of oral evidence on a day-to-day basis.*—The Court shall, as far as possible, ensure that the recording of evidence shall be carried on, on a day-to-day basis until the cross-examination of all the witnesses is complete.

5. *Case Management Hearings during a trial.*—The Court may, if necessary, also hold Case Management Hearings anytime during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under Rule 2 and facilitate speedy disposal of the suit.

6. *Powers of the Court in a Case Management Hearing.*—(1) In any Case Management Hearing held under this order, the Court shall have the power to—

- (a) prior to the framing of issues, hear and decide any pending application filed by the parties under Order XIII A ;
- (b) direct parties to file compilations of documents or pleadings relevant and necessary for framing issues ;
- (c) extend or shorten the time for compliance with any practice, direction or Court order if it finds sufficient reason to do so ;
- (d) adjourn or bring forward a hearing if it finds sufficient reason to do so ;
- (e) direct a party to attend the Court for the purposes of examination under Rule 2 of Order X ;
- (f) consolidate proceedings ;
- (g) strike off the name of any witness or evidence that it deems irrelevant to the issues framed ;
- (h) direct a separate trial of any issue ;
- (i) decide the order in which issues are to be tried ;
- (j) exclude an issue from consideration ;
- (k) dismiss or give judgment on a claim after a decision on a preliminary issue ;
- (l) direct that evidence be recorded by a Commission where necessary in accordance with Order XXVI ;
- (m) reject any affidavit of evidence filed by the parties for containing irrelevant, inadmissible or argumentative material ;

- (n) strike off any parts of the affidavit of evidence filed by the parties containing irrelevant, inadmissible or argumentative material ;
- (o) delegate the recording of evidence to such authority appointed by the Court for this purpose ;
- (p) pass any order relating to the monitoring of recording, the evidence by a commission or any other authority ;
- (q) order any party to file and exchange a costs budget ;
- (r) issue directions or pass any order for the purpose of managing the case and furthering the overriding objective of ensuring the efficient disposal of the suit.

(2) When the Court passes an order in exercise of its powers under this order, it may—

- (a) make it subject to conditions, including a condition to pay a sum of money into Court ; and
- (b) specify the consequence of failure to comply with the order or a condition.

(3) While fixing the date for a Case Management Hearing, the Court may direct that the parties also be present for such case management hearing, if it is of the view that there is a possibility of settlement between the parties.

7. Adjournment of Case Management Hearing.—(1) The Court shall not adjourn the Case Management Hearing for the sole reason that the advocate appearing on behalf of a party is not present :

Provided that an adjournment of the hearing is sought in advance by moving an application, the Court may adjourn the hearing to another date upon the payment of such costs as the Court deems fit, by the party moving such application.

(2) Notwithstanding anything contained in this rule, if the Court is satisfied that there is a justified reason for the absence of the advocate, it may adjourn the hearing to another date upon such terms and conditions it deems fit.

8. *Consequences of non-compliance with orders.*—Where any party fails to comply with the order of the Court passed in a Case Management Hearing, the Court shall have the power to—

- (a) condone such non-compliance by payment of costs to the Court ;
- (b) foreclose the non-compliant party's right to file affidavits, conduct cross-examination of witnesses, file written submissions, address oral arguments or make further arguments in the trial, as the case may be ; or
- (c) dismiss the plaint or allow the suit where such non-compliance is wilful, repeated and the imposition of costs is not adequate to ensure compliance.”.

8. *Amendment of Order XVIII.*—In Order XVIII of the Code, in Rule 2, for sub-rules (3A), (3B), (3D), (3E) and (3F), the following shall be substituted, namely :—

“(3A) A party shall, within four weeks prior to commencing the oral arguments, submit concisely and under distinct headings written arguments in support of his case to the Court and such written arguments shall form part of the record.

(3B) The written arguments shall clearly indicate the provisions of the laws being cited in support of the arguments and the citations of judgments being relied upon by the party and include copies of such judgments being relied upon by the party.

(3C) A copy of such written arguments shall be furnished simultaneously to the opposite party.

(3D) The Court may, if it deems fit, after the conclusion of arguments, permit the parties to file revised written arguments within a period of not more than one week after the date of conclusion of arguments.

(3E) No adjournment shall be granted for the purpose of filing the written arguments unless the Court, for reasons to be recorded in writing, considers it necessary to grant such adjournment.

(3F) It will be open for the Court to limit the time for oral submissions having regard to the nature and complexity of the matter.”.

9. *Amendment of Order XVIII.*—In Order XVIII of the Code, in Rule 4, after sub-rule (1), the following sub-rules shall be inserted, namely :—

(1A) The affidavits of evidence of all witnesses whose evidence is proposed to be led by a party shall be filed simultaneously by that party at the time directed in the first case management hearing.

(1B) A party shall not lead additional evidence by the affidavit of any witness (including of a witness who has already filed an affidavit) unless sufficient cause is made out in an application for that purpose and an order, giving reasons, permitting such additional affidavit is passed by the Court.

(1C) A party shall however have the right to withdraw any of the affidavits so filed at any time prior to commencement of cross-examination of that witness, without any adverse inference being drawn based on such withdrawal :

Provided that any other party will be entitled to tender as evidence and rely upon any admission made in such withdrawn affidavit.”.

10. *Amendment to Order XIX.*—In Order XIX of the Code, after Rule 3, the following rules shall be inserted, namely :—

“4. **Court may control evidence.**—(1) The Court may, by directions, regulate the evidence as to issues on which it requires evidence and the manner in which such evidence may be placed before the Court.

(2) The Court may, in its discretion and for reasons to be recorded in writing, exclude evidence that would otherwise be produced by the parties.”.

5. *Redacting or rejecting evidence.*—A Court may, in its discretion, for reasons to be recorded in writing—

- (i) redact or order the redaction of such portions of the affidavit of examination-in-chief as do not, in its view, constitute evidence ;
- (ii) return or reject an affidavit of examination-in-chief as not constituting admissible evidence.

6. *Format and guidelines of affidavit of evidence.*—An affidavit must comply with the form and requirements set forth below—

- (a) such affidavit should be confined to, and should follow the chronological sequence of, the dates and events that are relevant for proving any fact or any other matter dealt with ;
- (b) where the Court is of the view that an affidavit is a mere reproduction of the pleadings, or contains the legal grounds of any party’s case, the Court may, by order, strike out the affidavit or such parts of the affidavit, as it deems fit and proper ;
- (c) each paragraph of an affidavit should, as far as possible, be confined to a distinct portion of the subject ;

- (d) an affidavit shall state—
 - (i) which of the statements in it are made from the deponent's own knowledge and which are matters of information or belief ; and
 - (ii) the source for any matters of information or belief.
- (e) an affidavit should—
 - (i) have the pages numbered consecutively as a separate document (or as one of several documents contained in a file) ;
 - (ii) be divided into numbered paragraphs ;
 - (iii) have all numbers, including dates, expressed in figures ; and
 - (iv) if any of the documents referred to in the body of the affidavit are annexed to the affidavit or any other pleadings, give the annexures and page numbers of such documents that are relied upon.”.

11. *Amendment of Order XX.*—In Order XX of the Code, for Rule 1, the following rule shall be substituted, namely :—

“(1) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within ninety days of the conclusion of arguments, pronounce judgment and copies thereof shall be issued to all the parties to the dispute through electronic mail or otherwise.”.

—————

APPENDIX

Statement of Truth

*(Under First Schedule, Order VI-Rule 15A
and Order X-Rule 1)*

Statement of Truth by [party position and name of party in full] I, the deponent above-named, do hereby solemnly affirm and declare as under—

1. I am [name of party and relevant details] in the above suit and competent to swear this affidavit.
2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.
3. I say that the statements made in [mention specific paragraph numbers] paragraphs are true to my knowledge and statements made in [mention specific paragraph numbers] paragraphs are based on information received which I believe to be correct and statements made in [mention specific paragraph numbers] are based on legal advice.
4. I say that there is no false statement or concealment of any material fact, document or record and I have included information that is according to me, relevant for the present suit.
5. I say that all documents in my power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by me have been disclosed and copies thereof annexed with the plaint, and that I do not have any other documents in my power, possession, control or custody.

6. I say that the above-mentioned pleading comprises of a total of [number of pages] pages, each of which has been signed by me.
7. I state that the annexures hereto are true copies of the documents referred to and relied upon by me.
8. I say that I am aware that for any false statement or concealment, I shall be liable for action taken against me under the law.

Place :

Date :

VERIFICATION

The statements made above are true to my knowledge.

Verified at [place] on this [date]

DEPONENT

PRANAB MUKHERJEE,
President.

(Sd.) DR. G. NARAYANA RAJU,
Secretary to the Government of India.